

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 02 APR 2004

WIPO PCT

Applicant's or agent's file reference LU6034/Doe	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP 03/07363	International filing date (day/month/year) 09.07.2003	Priority date (day/month/year) 12.07.2002
International Patent Classification (IPC) or both national classification and IPC B29C69/00, B29C69/00		
Applicant BASELL POLYOLEFINE GMBH et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 01.12.2003	Date of completion of this report 01.04.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Kopp, C Telephone No. +49 89 2399-7312



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No.

PCT/EP 03/07363

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-14 received on 23.03.2004 with letter of 22.03.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,14
Inventive step (IS)	Yes: Claims	
	No: Claims	2-13
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1) Reference is made to the following documents:

- D1: PATENT ABSTRACTS OF JAPAN vol. 018, no. 585 (M-1700), 9 November 1994 (1994-11-09) & JP 06 218792 A (JAPAN STEEL WORKS LTD:THE), 9 August 1994 (1994-08-09),
- D2: PATENT ABSTRACTS OF JAPAN vol. 011, no. 120 (M-580), 15 April 1987 – (1987-04-15) & JP 61 261021 A (KYORAKU CO LTD), 19 November 1986 (1986-11-19)
- D3: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 11, 3 January 2001 (2001-01-03) & JP 2000 218684 A (KYORAKU CO LTD), 8 August 2000 (2000-08-08)
- D4: EP-A-1 110 697

Novelty

2) Independent apparatus claim 1:

D1 (the references in parentheses applying to this document) discloses a device (for partitioning a plastic parison to give at least one planar-surface part), using at least one means of partitioning the plastic parison (Abstract and figs. 1 and 2, reference-signs 35 and 36), wherein the device encompasses at least one draw-off means (figs. 1 and 2, reference-sign 42), pulling the partitioned parison over the means of partitioning thus compensating the resistance by the means of partitioning (column 4, line 20, guide roll 42 is linked to a motor, said motor can be connected to a controller for controlling of the speed of the hanging sheet).

The subject-matter of independent claim 1 is therefore not new.

3) Independent use claim 14:

Independent claim 14 refers to the normal use of the apparatus specified in claim 1. Since the subject matter of the apparatus claim 1 is not novel the subject matter of use claim 14 is also not new.

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Inventive Step

4) **Dependent claims 2-13:**

The additional features of dependent claims 2-13 refer to simple embodiments of claim 1 and do not add an inventive step to the subject matter of claim 1.

Industrial Applicability

5) The industrial applicability of the present invention is also given.

Further Objection

6) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1-D4 is not mentioned in the description, nor are these documents identified therein.

We claim:

*REPLACED BY
ART 34 AMDT*

1. A device for partitioning a plastic parison to give at least one semifinished open-surface product, 5 using at least one means of partitioning the plastic parison, wherein the device encompasses at least one means of drive.
2. A device as claimed in claim 1, wherein the means 10 of drive is a smooth, profiled, grooved, and/or coated surface.
3. A device as claimed in claim 1 or 2, wherein the means of drive encompasses at least one, preferably at 15 least two driven rolls.
4. A device as claimed in claim 1, 2, or 3, wherein the means of partitioning the plastic parison has sharp-edged, where appropriate exchangeable, cutting 20 units and/or edgeless, preferably bar-shaped units.
5. A device as claimed in any of the preceding claims, wherein the means of partitioning the plastic parison is a body of triangular cross section which has 25 been arranged transversely to the direction of extrusion.
6. A device as claimed in claim 4 or 5, wherein the body or the unit is metallic and preferably has a 30 coating of plastic.
7. A device as claimed in any of the preceding claims, wherein the device has a holder for the means of partitioning the plastic parison and/or for the 35 means of drive.

REPLACED BY
ART 34 AMDT

8. A device as claimed in claim 7, wherein the design of the holder is such that it functions as spacer for the semifinished open-surface products.

5 9. A device as claimed in any of the preceding claims, wherein the holder, the means of partitioning the plastic parison, and/or the means of drive is heatable, or is coolable, or can be heated or cooled as desired.

10 10. A device as claimed in any of the preceding claims, wherein the means of drive, preferably the driven roll(s), has been set into recesses on the means of partitioning the plastic parison.

15 11. A device as claimed in any of the preceding claims, wherein the device has a means of guiding the semifinished open-surface products.

20 12. A device as claimed in claim 11, wherein the means of guiding encompasses guide rollers which may, where appropriate, be driven, and can preferably be moved transversely to the direction of extrusion.

25 13. The use of the device as claimed in any of the preceding claims for partitioning an extruded or coextruded plastic parison to give at least one semifinished open-surface product.